

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES C. MCCURDY,
Plaintiff,

v.

M. RIVERO, et al.,
Defendants.

Case No. 17-01043 BLF (PR)

**ORDER GRANTING FOURTH AND
FINAL EXTENSION OF TIME TO
FILE MOTION FOR LEAVE TO
FILE SUPPLEMENTAL
COMPLAINT AND PROPOSED
SUPPLEMENTAL COMPLAINT**

(Docket No. 91)

Plaintiff, a state prisoner, proceeding *pro se*, filed an amended civil rights complaint pursuant to 42 U.S.C. § 1983. (Docket No. 11.) On January 25, 2018, the Court granted Plaintiff leave to file a motion for leave to file a supplement complaint, along with the proposed supplemental complaint, to attempt to allege sufficient facts to join Mr. J. Clark Kelso to this action under Rule 20(a)(2) of the Federal Rules of Civil Procedure. (Docket No. 69.) Plaintiff has filed a motion seeking a fourth extension of time, seeking an additional 30 days to do so. (Docket No. 91.)

In his declaration in support of the motion, Plaintiff asserts that his limited access to the law library to research case law and other resources warrants additional time. (Docket No. 92 at 2.) Plaintiff's motion is **GRANTED**. However, the Court notes that Plaintiff has now had approximately five months to file a motion for leave to file a supplemental

1 complaint and the proposed complaint, and he has thus far failed to explain what further
2 legal research is necessary to enable him to state a claim against Mr. Kelso. Plaintiff need
3 only state sufficient facts to support a claim against Mr. Kelso that “aris[e] out of the same
4 transaction, occurrence, or series of transactions or occurrences; and any question of law or
5 fact common to all defendants” to join him as a Defendant to this action. Fed. R. Civ. P.
6 20(a)(2). Lengthy legal arguments and extensive citations to case law are not necessary.
7 Accordingly, this shall be the last extension of time that Plaintiff shall be granted.

8 Plaintiff shall file the motion for leave to file a supplemental complaint and the
9 proposed supplemental complaint **no later than thirty (30) days** from the date this order
10 is filed. **No further extensions of time shall be granted.**

11 This order terminates Docket No. 91.

12 **IT IS SO ORDERED**

13 Dated: 6/28/2018



BETH LABSON FREEMAN
United States District Judge